

1 **Sean E. Brearcliffe, Judge**  
2 **Dean Christoffel, Commissioner**  
3 **T. Kenneth Sanders, Commissioner**  
4 **Lee Roads, Hearing Officer**  
5 **ARIZONA SUPERIOR COURT**  
6 **IN PIMA COUNTY**  
7 **110 W. Congress St.**  
8 **Tucson, Arizona 85701**  
9 **(520) 724-3029**

10 **THE SUPREME COURT OF THE STATE OF ARIZONA**

11 **PETITION TO AMEND RULES**  
12 **35(D), 82(B), 83, AND 84, ARIZONA**  
13 **RULES OF FAMILY LAW**  
14 **PROCEDURE**

15 **Supreme Court No. R-13-0055**

16 **COMMENT IN SUPPORT OF**  
17 **PETITION**

18 The undersigned judicial officers serve on the Family Law Bench of the  
19 Arizona Superior Court in Pima County. Pursuant to Rule 28(D), Rules of the  
20 Supreme Court of Arizona, we submit this Comment in support of the Petition to  
21 amend Rules 35(D), 82(B), 83, and 84 of the Rules of Family Law Procedure  
22 proposed by the State Bar of Arizona.  
23

24 The proposed amendment to Rules 35(D), 82(B), 83, and 84 achieves clarity  
25 both for self-represented litigants and counsel, and will work to avoid inadvertent  
26 waiver of review rights. Placing all rules designed to allow for review by the trial  
27  
28

1 court of its own rulings in advance of appeal into a specific section makes  
2 organizational sense. We, however, believe the final step of deleting subsection  
3 (D) to Rule 35 should be undertaken in this amendment because it will serve no  
4 continuing purpose. Amending the rules as proposed but leaving subsection D  
5 may indeed contribute to confusion as to whether or not there exist two rules  
6 governing Motions for Reconsideration, Rules 35(D) *and* 84.  
7

8  
9 We support the amendment to Rules 35(D), 82(B), 83, and 84 of the Rules  
10 of Family Law Procedure as proposed in the attachment to the original Petition,  
11 except that we urge the Court to delete Rule 35(D) in its entirety.  
12

13  
14 Respectfully submitted this 20th day of May, 2014.

15 /s Sean E. Brearcliffe

/s Dean C. Christoffel

16  
17 Sean E. Brearcliffe, Judge  
18 Arizona Superior Court in  
19 Pima County

Dean C. Christoffel, Commissioner  
Arizona Superior Court in  
Pima County

20 /s T. Kenneth Sanders

/s Lee Ann Roads

21 T. Kenneth Sanders, Commissioner  
22 Arizona Superior Court in  
23 Pima County

Lee Ann Roads, Hearing Officer  
Arizona Superior Court in  
Pima County

1  
2  
3 Electronic copy filed with the Clerk  
4 of the Supreme Court of Arizona  
5 this 20th day of May, 2014.

6 Copy of the foregoing sent by  
7 Electronic mail this 20th day  
8 of May, 2014, to:

9 John A. Furlong  
10 General Counsel  
11 STATE BAR OF ARIZONA  
12 4201 N. 24th St., Suite 100  
13 Phoenix, Arizona 85016-6266  
14 John.Furlong@staff.azbar.org

15 R:\SEB Projects\ARFLP Rules Cmte\Comment R-13-0055.doc  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28